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Application Number	10/768,406
Filing Date	January 30, 2004
First Named Inventor	Paul Brent Rivers
Art Unit	3722
Examiner Name	Kimberly Wood
Attorney Docket Number	BS030571

Total Number of Pages in This Submission: 4


**ENCLOSURES**

(Check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
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Remarks:

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Name (Print/Type)	Bambi Faivre Walters	Reg. No.:	45,197
Signature			
Date	MARCH 28, 2005		

**CERTIFICATE OF TRANSMISSION / MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Name (Print/Type)	Bambi Faivre Walters	Date	MARCH 28, 2005
Signature			

MAR 28 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Paul Brent Rivers

Group Art Unit: 3722

Application No.: 10/768,406

Examiner: Kimberly Wood

Filed: January 30, 2004

Title: "Serving Terminal Illuminator"

VIA FACSIMILE 703-872-9306

TC2600

Attn: Examiner Kimberly Wood

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37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION

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Election and 37 C.F.R. § 1.143

Request For Consideration Of Requirement For Restriction

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Commissioner:

This paper is filed in response to the Office Action mailed March 24, 2005 in the above-identified application. The United States Patent and Trademark Office ("Office") imposed a restriction requirement. Assignee hereby elects the identified "Species IV" and further requests reconsideration and withdrawal of this restriction requirement.

BS030571

U.S. Application No. 10/768,406 Examiner Wood, Art Unit 3722  
Response to Restriction Requirement

### **PROVISIONAL ELECTION**

The office alleges that this patent application is directed to the following patentably distinct species of the claimed invention:

“Species I drawn to FIGS 1-4

Species III drawn to FIG 5,

Species IV drawn to FIGS 6-7.”

*See, March 24, 2005 Office Action, p. 2.*

As 37 C.F.R. § 1.143 requires, the Assignee provisionally elects the group identified as “Species IV drawn to FIGS 6-7.” The claims corresponding to this species are 17-21.

### **REPLY AND TRAVERSAL**

The Assignee respectfully requests reconsideration and withdrawal of this restriction requirement. The Assignee traverses this restriction requirement by relying upon the following reason.

#### **1. No Burden is Present**

Examination of Species I, Species III, and Species IV does not present a burden for the Examiner. One criterion for restriction is that there must be a “serious burden” on the Examiner. *See* U.S. DEPT. OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 803 (8<sup>th</sup> Ed. 2001). The Office may make a *prima facie* case for restriction, using “appropriate explanation,” of i) separate classification, ii) a separate status in the art, or iii) a different field of search. *Id.* *See also id.* at § 808.02. The Assignee thus respectfully requests that Examiner Wood remove the requirement for restriction and, instead, examine all species identified by the Examiner.

BS030571

U.S. Application No. 10/768,406 Examiner Wood, Art Unit 3722  
Response to Restriction Requirement

If the Office has any questions, the Office is invited to contact the undersigned at (757)  
253-5729 or [bambi@wzpatents.com](mailto:bambi@wzpatents.com).

Respectfully submitted,



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